

900 KAR 2:010. Access and hours of visitation.

RELATES TO: KRS 216.537, 216.540

STATUTORY AUTHORITY: KRS 194.050, 216.540, 216.545

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Human Resources must set forth criteria pertaining to the ability of the administrator of a long-term care facility to terminate visitation to that facility. This administrative regulation is designed to give guidance to administrators under the provisions of KRS 216.540(4) and to comply with the requirements of KRS 216.537 concerning hours of visitation.

Section 1. Definitions. (1) "Administrator" means the administrator of a long-term care facility subject to the provisions of the nursing home reform act, KRS 216.535 et seq.

(2) "Designated representative" means with respect to an administrator, a member of the long-term care facility's existing staff who has been authorized in writing by the administrator to act in the absence of the administrator. In the case of the long-term care ombudsman, "ombudsman's designee" means an individual, association or corporation authorized by contract to act as agent for certain specified purposes in behalf of the long-term care ombudsman.

Section 2. The administrator of a long-term care facility or his designated representative may request those groups or individuals assured access during visiting hours under the provisions of KRS 216.540(1)(a) through (c) and those groups or individuals assured access under KRS 216.540(5) to terminate visitation upon the occurrence of any one (1) of the following:

- (1) A resident of the facility is physically or verbally abused by the individual or group;
- (2) Any individual carries a firearm or other deadly weapon into the facility who is not a peace officer. For the purpose of this administrative regulation, "deadly weapon" is defined as including, but not limited to, any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, gravity knife, billy, blackjack, or metal knuckles;
- (3) Any individual or group commits a felony or misdemeanor while on the facility's premises; or
- (4) Any individual or group is visibly under the influence of alcohol or controlled substances.

Section 3. Those individuals assured access during visiting hours under the provisions of KRS 216.540(1)(b) and (c) have assured access to only the residents' dining area, living area, recreation area, lounge and areas open to the general public. Access to other areas within the facility may be gained after having received the permission of the administrator or his designated representative to enter the area in question.

Section 4. Those groups or individuals assured access during visiting hours under the provisions of KRS 216.540(1)(a) through (c), except for family and legal guardians, including employees of agencies within the Cabinet duly appointed legal guardian by a court of law, and KRS 216.540(5) are:

- (1) Upon entering the facility, to promptly advise the administrator or his designated representative of their presence; and
- (2) Not to enter the living area of any resident without identifying themselves to the resident. Failure to comply with the requirements of this section may be grounds for requesting termination of visitation.

Section 5. In order to satisfy the requirements for licensure by the state, a long-term care facility shall establish daily visiting hours which, at a minimum, shall consist of six (6) hours between the hours of 8 a.m. and 5 p.m. local time, and two (2) hours between the hours of 5 p.m. and 8 p.m. lo-

cal time. All visiting hours are to be posted in a conspicuous place in the lobby, in the entrance way, or at the front door of the long-term care facility.

Section 6. Administrators of long-term care facilities may establish visiting hours in addition to those required pursuant to KRS 216.537.

Section 7. Representatives or employees of the Cabinet for Human Resources, including the long-term care ombudsman or the long-term care ombudsman's designee, any representative or employee of any local government entity having responsibility regarding residents of long-term care facilities, and the family or legal guardian(s) of any individual resident shall have unrestricted access to and in all long-term care facilities.

Section 8. Nothing in this administrative regulation shall be deemed to prohibit or restrain the right of a resident of a long-term care facility to deny visitation or to terminate a visit by any individual or group.

Section 9. Each administrator of a long-term care facility shall appoint a member of the facility's existing staff to act as his designated representative present at the facility and authorized to act in the absence of the administrator.

Section 10. This administrative regulation shall become part of the statement required by KRS 216.545(1) to be posted in the long-term care facility. (9 Ky.R. 299; eff. 12-1-82; Am. 975; 1085; 1302; eff. 8-3-83; 10 Ky.R. 349; eff. 12-2-83; 16 Ky.R. 915; eff. 1-12-90.)